

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 08-630

Appellant(s): Kevin Hastings

vs. Appellee(s): City/Town of Northborough
William S. Farnsworth, Jr.

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 713.3, for 9 Goddard Road, Northborough, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on September 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. William S. Farnsworth, Jr. was present along with others as shown in the sign in sheet that is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 713.3, based on the fact that the appellant stated that there will be protection at the ceiling openings of levels 1 to 3 with 18 inch draft curtains and closely spaced sprinkler heads in accordance with NFPA 13. The motion also noted that an allowance for this condition will be found in the 7th edition 780 CMR which is being adopted by the Board of Building Regulations and Standards and that the Northborough Building Official has no objection to the granting of this variance. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.